

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CENTRAL STATES TOWER III,)	
LLC AND CELLCO PARTNERSHIP D/B/A VERIZON)	
WIRELESS FOR ISSUANCE OF A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT A WIRELESS COMMUNICATIONS)	2015-00282
FACILITY IN THE COMMONWEALTH OF)	
KENTUCKY IN THE COUNTY OF TRIMBLE)	

ORDER

On August 20, 2015, Central States Tower III, LLC, a Delaware limited liability company, and Cellco Partnership, a Delaware General Partnership, d/b/a Verizon Wireless ("Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 195 feet in height, with attached antenna, to be located at Race Track Road, Milton, Trimble County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 43' 42.05" by West Longitude 85° 24' 16.68".

The Applicants have provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a licensed professional engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicants have filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR 5:063, Section 1, the Applicants have filed evidence that the county judge/executive and all property owners within 500 feet have been notified of the proposed construction. Evidence has also been filed that all contiguous property owners have been notified of the proposed construction. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no public comments have been filed with the Commission.

The Applicants have filed an application with the Federal Aviation Administration ("FAA") and submitted notice to the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. The FAA application was approved, and Applicants have been notified that KAZC approval is not required for the proposed construction.¹

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or

¹ The application at 5, paragraph 12, incorrectly states that "[a] copy of the Kentucky Airport Zoning Commission ("KAZC") Approval to construct the tower is attached as Exhibit G." Instead, Exhibit G includes electronic mail exchanges between representatives of the Applicants and what appears to be a KAZC staff person indicating that the proposed construction "does not require a permit from the KAZC."

insufficient. To assist the Commission in its efforts to comply with this mandate, the Applicants should notify the Commission if they do not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicants.

IT IS THEREFORE ORDERED that:

1. The Applicants are granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 195 feet in height, with attached antenna, and is to be located at Race Track Road, Milton, Trimble County, Kentucky. The coordinates for the proposed facility are North Latitude $38^{\circ} 43' 42.05''$ by West Longitude $85^{\circ} 24' 16.68''$.

2. The Applicants shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

3. Documents filed, if any, in the future pursuant to ordering paragraph 2 herein shall reference this case number and shall be retained in the utility's general correspondence file.

By the Commission

ENTERED
OCT 16 2015
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2015-00282

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